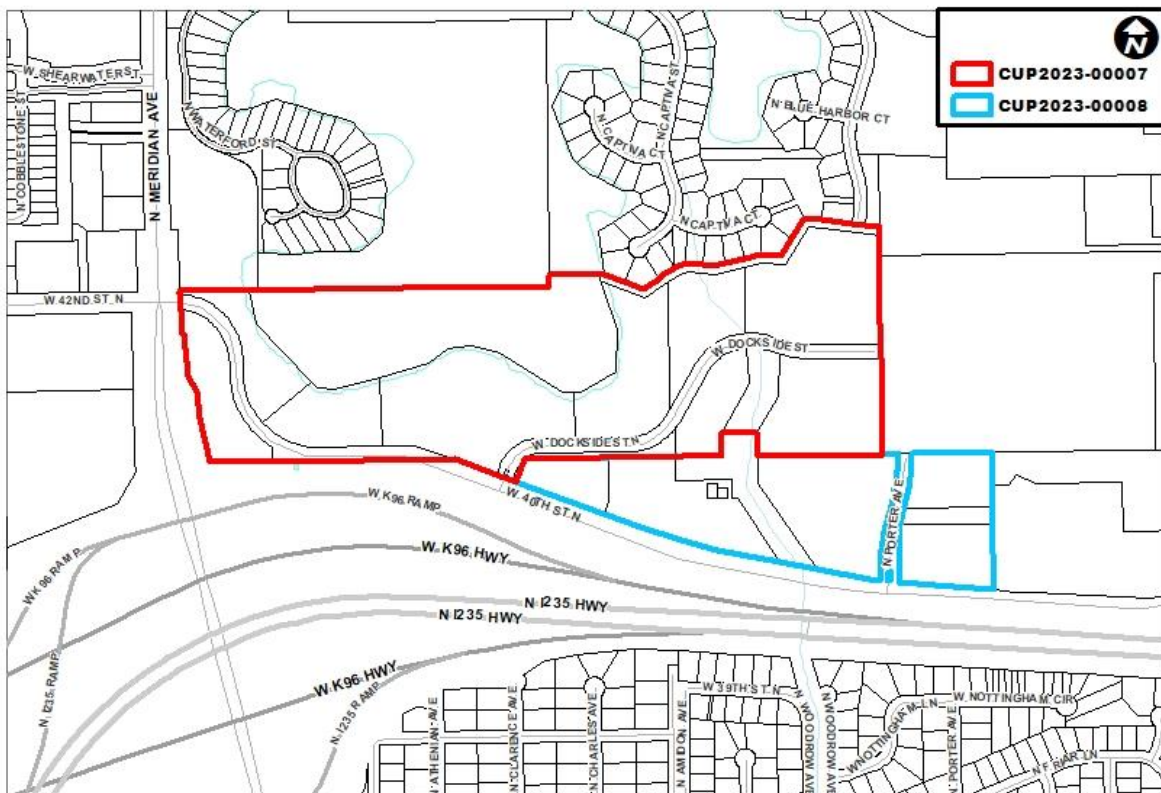


STAFF REPORT

MAPC: March 9, 2023

DAB VI: March 13, 2023

<u>CASE NUMBER:</u>	CUP2023-00007 and CUP2023-00008 (City)
<u>APPLICANT/AGENT:</u>	Harbor Properties, LLC, South Harbor, LLC (Applicants) Broadmoor One, LLC, Word of Life Ministries & Schools, Inc. (Applicants) Baughman Company, P.A. (Agent)
<u>REQUEST:</u>	Amendments to CUP DP-353 and CUP DP-355
<u>CURRENT ZONING:</u>	LC Limited Commercial District; GC General Commercial District
<u>SITE SIZE:</u>	CUP DP-353: 24.13 acres / CUP DP-355: 67.20 acres
<u>LOCATION:</u>	Generally located on the east side of North Meridian Avenue, within one-quarter mile north of K-96.
<u>PROPOSED USE:</u>	Amend the parcel boundaries to trade land between CUPs
<u>RECOMMENDATION:</u>	Approval with conditions

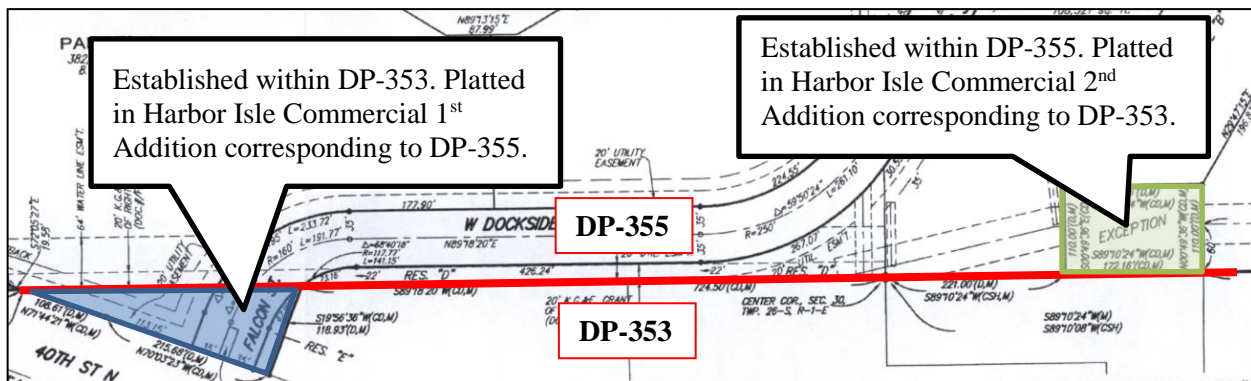


BACKGROUND: The applicant is requesting:

1. Amendment to CUP DP-353
 - a. Remove a 0.44-acre plated reserve to be incorporated in CUP DP-355;
 - b. Add 0.42-acres to Reserve A; and
 - c. Adjust internal parcel boundaries including adding additional parcels within the CUP boundary to reflect the platting of the Harbor Isle Commercial 2nd Addition.
2. Amendment to CUP DP-355
 - a. Remove a 0.42-acre portion of a plated reserve to be incorporated in CUP DP-353.
 - b. Add 0.44-acres to Reserve A; and
 - c. Adjust internal parcel boundaries including adding additional parcels within the CUP boundary to reflect the platting of the Harbor Isle Commercial 1st Addition

The subject CUPs are generally located on the east side of North Meridian, within one-quarter mile north of K-96 Highway. CUP DP-355 on the north is zoned LC Limited Commercial District and GC General Commercial District. CUP DP-353 on the south is zoned GC General Commercial District. The following is a review of the case history:

- In 2020, CUP2020-00002 established CUP DP-353 to the south and CUP2020-00017 established CUP DP-355 to the north.
- In 2020, after the CUPs were established, SUB2020-00057 and SUB2020-00058 were approved, platting the respective properties within each CUP.
- As seen in the exhibit below, when the properties were platted, land on either side of a common dividing line were platted within opposite CUP areas.



In order to add or remove land from a CUP, the CUP is required to be amended. The Unified Zoning Code does not permit this action to be done administratively. The other requests to adjust the parcel boundaries, including creating additional parcels to reflect the plats associated with the respective CUPs, could be approved administratively because the development standards of each parcel are no different than what was originally approved when the CUPs were established. The General Provision of both CUPs DP-353 and DP-355 remain unchanged. The only text change is to make minor updates to the land areas reflecting the land swap and additional language regarding the new parcels, which are in-line with the established development standards and General Provisions.

The following is a general description of the adjustments to the parcel boundaries within each CUP. Detailed staff recommended language for each CUP is attached. Staff is not recommending changes to any of the proposed adjusted language.

- CUP DP-353
 - Reduce the number of parcels from seven to five-- reallocating land area and renumbering parcels accordingly.

- Relocating and enlarging Reserve A based on the plat—including the additional land removed from DP-355
 - Relocating Reserve B based on the plat.
 - Relocating Reserves C and D based on plat.
 - Creating Reserve E around existing wireless communications facility.
- CUP DP-355
 - Reducing the size Parcels 5 and 6 to create three additional Parcels (total of 9 Parcels).
 - Increase the size of Parcel 4 to include additional land removed from DP-353
 - Relocation of Reserve B based on the plat.

Properties to the north of DP-355 are zoned LC Limited Commercial District and SF-5 Single-Family Residential District and are undeveloped. Properties to the east are zoned SF-5 Single-Family Residential District and GC General Commercial District and are developed with a school bus parking and training facilities as well as ball fields. Property to the south of DP-353 is the I-235/K-96 highway right-of-way. Properties to the west are zoned LC Limited Commercial District. The portion incorporated in CUP DP-323 is undeveloped. The other LC-zoned property is developed with a church.

CASE HISTORY:

- CUP DP-353
 - In 2020, ZON2020-00003 was submitted to change the zoning from SF-5 Single-Family Residential District to GC General Commercial District in conjunction with CUP2020-00002 to establish DP-353.
 - In 2020, the property was platted as part of the Harbor Isle Commercial 2nd Addition.
- CUP DP-355
 - In 2020, ZON2020-00015 was submitted to change the zoning on the eastern portion of the property from SF-5 Single-Family Residential District to GC General Commercial District. The LC Limited Commercial Zoning District had already been established. This case was in conjunction with CUP2020-00017 to establish DP-355 on the entirety of the property.
 - In 2020, the property was platted as part of the Harbor Isle Commercial 1st Addition.

ADJACENT ZONING AND LAND USE:

North:	SF-5 and LC	Undeveloped
South:	No Zoning	Highway Right-of-Way
East:	SF-5 and GC	School Bus Parking/Training Facility and Ball Fields
West:	LC with DP-323 and LC	Undeveloped, and Church

PUBLIC SERVICES: The site has access to West 40th Street North, a paved, two-way local street with no sidewalks. West Dockside Street and North Porter Avenue are platted local rights-of-way within the bounds of the CUPs but are not developed. Municipal water and sewer are available on-site but may need to be extended to serve full development of the site. Wichita Transit does not serve this area.

CONFORMANCE TO PLANS/POLICIES: The proposed CUPs are in partial conformance with the *Community Investments Plan*. The 2035 Wichita Future Growth Concept map indicates the site is appropriate for “new residential.” However, there are areas nearby that are indicated as appropriate for “residential and employment mix” and “commercial.” This area is located within Wichita’s 2035 urban growth area. The residential/employment mix and the commercial encompass areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

Community Investments Plan discusses **Location Guidelines** in Section 3 of the Future Land Use Policies. In the subsection titled **Development Pattern:**

CUP2023-00007 and CUP2023-00008

- Guideline 1.a. states “development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with development.
- Guideline 1.c states “Major commercial and employment centers should be located at intersections of arterial streets and along highways and commercial corridors.
- Guideline 3.c. states “small, neighborhood-serving retail and offices uses and high-density residential uses not located at arterial intersections should be limited to the intersection of an arterial and a collector street.
- Guideline 3.e. states “new development areas be separated from existing developed areas by major barriers (such as: highways, railroads, waterways, and airports) or by significant open space or undeveloped areas should be discouraged unless the scale of the development is sufficient to support the cost of extending infrastructure and services in a manner that supports additional development on surrounding sites.”

In the subsection titled **Design:**

- Guideline 1.a. states “Commercial centers, office parks, and mixed-use developments should be designed with shared internal vehicular and pedestrian circulation, combined signage, coordinated landscaping and building design, and combined ingress/egress locations.”
- Guideline 1.b. states “Ingress/egress locations to non-residential uses generally should not access residential streets unless such access will not negatively impact nearby residential areas, except that industrial traffic should not feed directly into local streets in residential areas.”
- Guideline 1.g. states “Building entrances should be oriented to the street or internal circulation drives that connect to the street and designated pedestrian connections should be provided from building entrances to the street.”

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the following:

- The amendment to CUP DP-353 be **APPROVED** subject to the development guidelines of the amended CUP and the following conditions:
 1. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
 2. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
- The amendment to CUP DP-355 be **APPROVED** subject to the development guidelines of the amended CUP and the following conditions:
 1. All other requirements of the CUP remain in effect unless or until a separate zoning action is filed.
 2. The applicant shall submit four revised copies of the CUP and one electronic copy of the revised CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties to the north of DP-355 are zoned LC Limited Commercial District and SF-5 Single-Family Residential District and are undeveloped. Properties to the east are zoned SF-5 Single-Family Residential District and GC General Commercial District and are developed with a school bus parking and training facilities as well as ball fields. Property to the south of DP-353 is the I-235/K-96 highway right-of-way. Properties to the west are zoned LC Limited Commercial District. The portion incorporated in CUP DP-323 is undeveloped. The other LC-zoned property is developed with a church.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is suitable for uses to which the current zoning and CUPs restrict it to. In 2020, the CUPs were established in conjunction with commercial zone changes. The subject amendments are not changing any development standards or general provisions.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: In 2020, the CUPs were established in conjunction with commercial zone changes. The subject amendments are not changing any development standards or general provisions. The proposed land swap should have no detrimental impacts on surrounding properties.
4. Length of time the subject property has remained vacant as zoned: The majority of the property has never been developed. The existing commercial zoning was established in 2020.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of this application is not anticipated to have a significant detrimental impact to public health, safety, or welfare.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed application is in partial conformance to the *Community Investments Plan*, as noted above.
7. Impact of the proposed development on community facilities: Staff does not anticipate that the proposed development will have any negative or additional impact on community facilities.
8. Opposition or support of neighborhood residents: At the time of publication of the staff report, staff has not received any public comment regarding this case.

Attachments:

1. Planning Staff Recommended CUP DP-353 Amended Language
2. Planning Staff Recommended CUP DP-355 Amended Language
3. Original CUP DP-353 Drawing
4. Proposed CUP DP-353 Drawing
5. Original CUP DP-355 Drawing
6. Proposed CUP DP-355 Drawing
7. Aerial Map
8. Zoning Map
9. Land Use Map
10. Site Photos

Planning Staff Recommended CU DP-353 Amended Language (No Recommended Changes):

GENERAL PROVISIONS – DP-353 – HARBOR ISLE COMMERCIAL 2 CUP

February 20, 2023

1. Total Land Area: 1,008,166 ± sq. ft. or 23.15 ± acres
Net Land Area: 842,667 ± sq. ft. or 19.35 ± acres
2. Total Gross Floor Area: 294,933 sq. ft.
Total Net Floor Area Ratio: 29.25 percent
3. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
4. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions. If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required. The setback along the northern property line is contingent on the property to the north remaining residentially-zoned.
5. A Drainage Plan shall be submitted to the appropriate Engineer for approval during the platting process. Required guarantees or drainage shall be provided at the time of platting improvements.
6. Development of the Harbor Isle Commercial 2 Community Unit Plan shall be contingent upon the platting of the subject property. The applicant shall provide four copies of an updated C.U.P. following the plat.
7. Signs will be as allowed by the Sign Code of the City of Wichita, with the following additional conditions/limitations:
 - A. Each parcel is permitted at least one freestanding sign with the following area restrictions:

Parcel 1:	175 sq. ft. of signage along frontage road.
Parcel 2:	300 sq. ft. of signage along frontage road.
Parcel 3:	150 sq. ft. of signage along planned collector street, and 300 sq. ft. of signage along frontage road.
Parcel 4:	175 sq. ft. of signage along planned collector street.
Parcel 5:	150 sq. ft. of signage along planned collector street, and 250 sq. ft. of signage along frontage road.
 - B. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150' apart, irrespective of how land is leased or sold and share similar elements in design.
 - C. Flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - D. Portable, billboards and off-site signs are not permitted.
 - E. Window display signs are limited to 25% of the window area.
 - F. No signs shall be allowed on the north elevations of any building adjacent to residential zoning.

- G. All freestanding signs must be monument type and shall have a maximum height of 25 feet. Signs along the highway frontage may be permitted to be 35 feet in height.
8. Access Controls shall be as shown on the final plat.
9. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
10. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, etc.).
- A. Limited height of light poles, including fixtures, lamps and base, to 24 feet, except within 200 feet of residential zoning said lighting shall be a maximum height of 15 feet.
- B. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
11. Utilities shall be installed underground on all parcels.
12. Landscaping for this site shall be required as follows:
- A. Development of all parcels within the C.U.P. shall comply with the landscaping requirements of the appropriate jurisdiction, with a shared palette of landscape materials among parcels. All unpaved areas shall be landscaped.
- B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
- C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
13. Screening:
- A. A six (6) to eight (8) foot high concrete/masonry wall shall be constructed along the north property line of the CUP if adjacent to residential zoning.
- B. This solid wall shall be constructed of a pattern and color that is consistent or compatible with the building walls.
14. Rooftop mechanical equipment shall be screened from ground level view with similar materials to the main building per Unified Zoning Code.
15. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view.
16. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits.
17. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between all parcels.

18. No parcel within this C.U.P. shall allow the use of adult entertainment establishments; sexually oriented business; or correctional placement residences; recycling processing center, private; reverse vending machine; animal care, general; kennel, boarding/breeding/training; or storage, outdoor as a principal use; and vehicle storage yard.
19. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.
20. The Transfer of title of all or any portion of land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
21. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
22. A plan for a pedestrian walk system shall be submitted and approved by the Director of Planning prior to the issuance of building permits. Said walk system shall link sidewalks along Meridian Avenue with the proposed buildings within the development.
23. Approval of a site circulation plan by the Planning Director is required for each phase of construction prior to the issuance of a building permit. An overall site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/blocked by the layout of parking stalls or landscaping.
24. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-353 Harbor Isle Commercial 2 CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of recording the plat for the subject property, or the request shall be considered denied and closed.
25. Word of Life CUP (DP-141) and Parcel B of the Dukes Diamond CUP is hereby incorporated into this new CUP by virtue of CUP2020-02.
26. Amidon Avenue right-of-way lying within the boundaries of this CUP is intended to be vacated, and a new street located to the east is planned to be dedicated, as part of the replat.
27. All buildings within the CUP shall share uniform architectural character, color, texture, and the same predominate exterior building material, as determined by the Director of Planning. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent.

PARCEL 1

- | | | |
|----|----------------------------|--------------------------------|
| A. | Net Area: | 83,897 sq.ft.
or 1.93 acres |
| B. | Maximum Building Coverage: | 25,169 sq.ft.
or 30 percent |
| C. | Maximum Gross Floor Area: | 29,364 sq.ft. |
| D. | Floor Area Ratio: | 35 percent |

CUP2023-00007 and CUP2023-00008

- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 2

- A. Net Area: 227,934 sq.ft.
or 5.23 acres
- B. Maximum Building Coverage: 68,380 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 79,777 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 3

- A. Net Area: 296,061 sq.ft.
or 6.80 acres
- B. Maximum Building Coverage: 88,818 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 103,621 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 4

- A. Net Area: 104,221 sq.ft.
or 2.39 acres
- B. Maximum Building Coverage: 31,266 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 36,477 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 5

- A. Net Area: 130,554 sq.ft.
or 3.00 acres
- B. Maximum Building Coverage: 39,166 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 45,694 sq.ft.

- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

RESERVE A

- A. Net Area: 123,420 sq.ft.
or 2.83 acres
- B. Permitted Uses: Per plat.

RESERVE B

- A. Net Area: 35,599 sq.ft.
or 0.82 acres
- B. Permitted Uses: Per plat.

RESERVE C

- A. Net Area: 480 sq.ft.
or 0.01 acres
- B. Permitted Uses: Per plat.

RESERVE D

- A. Net Area: 3,500 sq.ft.
or 0.08 acres
- B. Permitted Uses: Per plat.

RESERVE E

- A. Net Area: 2,500 sq.ft.
or 0.06 acres
- B. Permitted Uses: Per plat.

Planning Staff Recommended CU DP-353 Amended Language (No Recommended Changes):

GENERAL PROVISIONS – DP-355 – HARBOR ISLE COMMERCIAL 1 CUP

February 20, 2023

1. Total Land Area: 2,927,438 ± sq. ft. or 67.20 ± acres
Net Land Area: 1,828,529 ± sq. ft. or 41.98 ± acres
2. Total Gross Floor Area: 639,985 sq. ft.
Total Net Floor Area Ratio: 35 percent
3. Parking shall be provided in accordance with Section IV of the Unified Zoning Code, unless otherwise specified in the parcel description.
4. Setbacks are as indicated on the C.U.P. drawing, or as specified in the parcel descriptions. If contiguous parcels are to be developed under the same ownership, setbacks between those parcels will not be required.
5. A Drainage Plan shall be submitted to the appropriate Engineer for approval during the platting process. Required guarantees or drainage shall be provided at the time of platting improvements.
6. Development of the Harbor Isle Commercial 1 Community Unit Plan shall be contingent upon the platting of the subject property. The applicant shall provide four copies of an updated C.U.P. following the plat.
7. Signs will be as allowed by the Sign Code of the City of Wichita, with the following additional conditions/limitations:
 - A. Each parcel is permitted at least one freestanding sign with the following area restrictions:

Parcel 1:	150 sq. ft. of signage along Meridian Avenue.
	150 sq. ft. of signage along 40th Street.
Parcel 2:	150 sq. ft. of signage along 40th Street.
Parcel 3:	150 sq. ft. of signage along 40th Street.
Parcel 4:	150 sq. ft. of signage along 40th Street.
	150 sq. ft. of signage along Dockside Street.
Parcel 5:	150 sq. ft. of signage along Dockside Street.
Parcel 6:	150 sq. ft. of signage along Dockside Street.
Parcel 7:	150 sq. ft. of signage along Dockside Street.
Parcel 8:	150 sq. ft. of signage along Dockside Street.
Parcel 9:	150 sq. ft. of signage along Dockside Street.
 - B. As the frontage develops along the arterial roadways, monument type signs shall be spaced a minimum of 150' apart, irrespective of how land is leased or sold and share similar elements in design.
 - C. Flashing signs, rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - D. Portable, billboards and off-site signs are not permitted.
 - E. Window display signs are limited to 25% of the window area.
 - F. No signs shall be allowed on the north elevations of any building adjacent to residential zoning.

- G. All freestanding signs must be monument type and shall have a maximum height of 25 feet. Signs along the highway frontage may be permitted to be 35 feet in height.
8. Access Controls shall be as shown on the final plat.
9. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
10. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, etc.).
- A. Limited height of light poles, including fixtures, lamps and base, to 24 feet, except within 200 feet of residential zoning said lighting shall be a maximum height of 15 feet.
- B. Extensive use of back lit canopies and neon or fluorescent tube lighting on buildings is not permitted.
11. Utilities shall be installed underground on all parcels.
12. Landscaping for this site shall be required as follows:
- A. Development of all parcels within the C.U.P. shall comply with the landscaping requirements of the appropriate jurisdiction, with a shared palette of landscape materials among parcels. All unpaved areas shall be landscaped.
- B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
- C. A financial guarantee for the plant material approved on the landscape plan for that portion of the C.U.P. being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
13. Screening:
- A. A six (6) to eight (8) foot high concrete/masonry wall shall be constructed along the north property line of Parcels 5, 6 and 7 where adjacent to residentially-zoned lots (see plan). This solid wall shall be constructed of a pattern and color that is consistent or compatible with the building walls.
- B. In lieu of said screening wall, a landscape buffer of a minimum of 40 feet in width may be provided along those property lines abutting residentially-zoned lots, which shall include plantings per Section IV-B.3.b of the U.Z.C. Said buffer shall be a combination of deciduous and evergreen landscaping, per ordinance.
- C. Screening along the east property line where abutting residential zoning is contingent upon the adjoining property being developed residentially.
14. Rooftop mechanical equipment shall be screened from ground level view with similar materials to the main building per Unified Zoning Code.
15. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view.
16. Fire lanes shall be in accordance with the appropriate Fire Code. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of

building permits.

17. Cross-lot circulation agreements shall be required at the time of platting to assure internal vehicular movement between all parcels.
18. No parcel within this C.U.P. shall allow the use of adult entertainment establishments; sexually oriented business; correctional placement residences; Night Club in the City; Night Club in the County; Reverse Vending Machine; and Tavern and Drinking Establishment; Manufactured Home; Monument Sale Cemetery; Marine Facility, Recreational; Pawn Shop; Teen Club in the City; Vehicle and Equipment Sales; Animal Care, General; Kennel, Boarding/Breeding/ Training; Storage, Outdoor as a principle use; Vehicle Storage Yard; Asphalt or Concrete Plant, Limited and General; Recycling Collection Station; Event Center; and Recreation and Entertainment. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. Exterior audio systems that project sound beyond the boundaries of the C.U.P. are prohibited.
19. Amendments, adjustments or interpretations to this C.U.P. shall be done in accordance with the Unified Zoning Code.
20. The Transfer of title of all or any portion of land included within the Community Unit Plan (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land and be binding upon present owners, their successors and assigns.
21. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
22. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
23. A plan for a pedestrian walk system shall be submitted and approved by the Director of Planning prior to the issuance of building permits. Said walk system shall link sidewalks along Meridian Avenue with the proposed buildings within the development.
24. Approval of a site circulation plan by the Planning Director is required for each phase of construction prior to the issuance of a building permit. An overall site plan shall be required for review and approval by the Planning Director prior to the issuance of any building permits; the site plan shall ensure internal circulation within the parcels and joint use of ingress/egress openings and that private drive openings are not impacted/blocked by the layout of parking stalls or landscaping.
25. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-355 Harbor Isle Commercial 1 CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of recording the plat for the subject property, or the request shall be considered denied and closed.
26. Mallard Cove CUP (DP-94) is hereby incorporated into this new CUP by virtue of CUP2020-17.
27. All buildings within Parcels 1 through 4, collectively, and Parcels 5 through 9, collectively, shall share uniform architectural character, color, texture, and the same predominate exterior building material, as determined by the Director of Planning. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent.

PARCEL 1

- A. Net Area: 148,254 sq.ft.
or 3.40 acres
- B. Maximum Building Coverage: 44,476 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 51,889 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "LC" Limited Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 2

- A. Net Area: 120,569 sq.ft.
or 2.77 acres
- B. Maximum Building Coverage: 36,171 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 42,199 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "LC" Limited Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 3

- A. Net Area: 137,408 sq.ft.
or 3.15 acres
- B. Maximum Building Coverage: 41,223 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 48,093 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "LC" Limited Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 4

- A. Net Area: 382,366 sq.ft.
or 8.78 acres
- B. Maximum Building Coverage: 114,710 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 133,828sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 35 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "LC" Limited Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 5

- A. Net Area: 231,223 sq.ft.
or 5.31 acres
- B. Maximum Building Coverage: 69,367 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 80,928 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "LC" Limited Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 6

- A. Net Area: 149,151 sq.ft.
or 3.42 acres
- B. Maximum Building Coverage: 44,745 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 52,203 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "LC" Limited Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

PARCEL 7

- A. Net Area: 305,995 sq.ft.
or 7.02 acres
- B. Maximum Building Coverage: 91,799 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 107,098 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

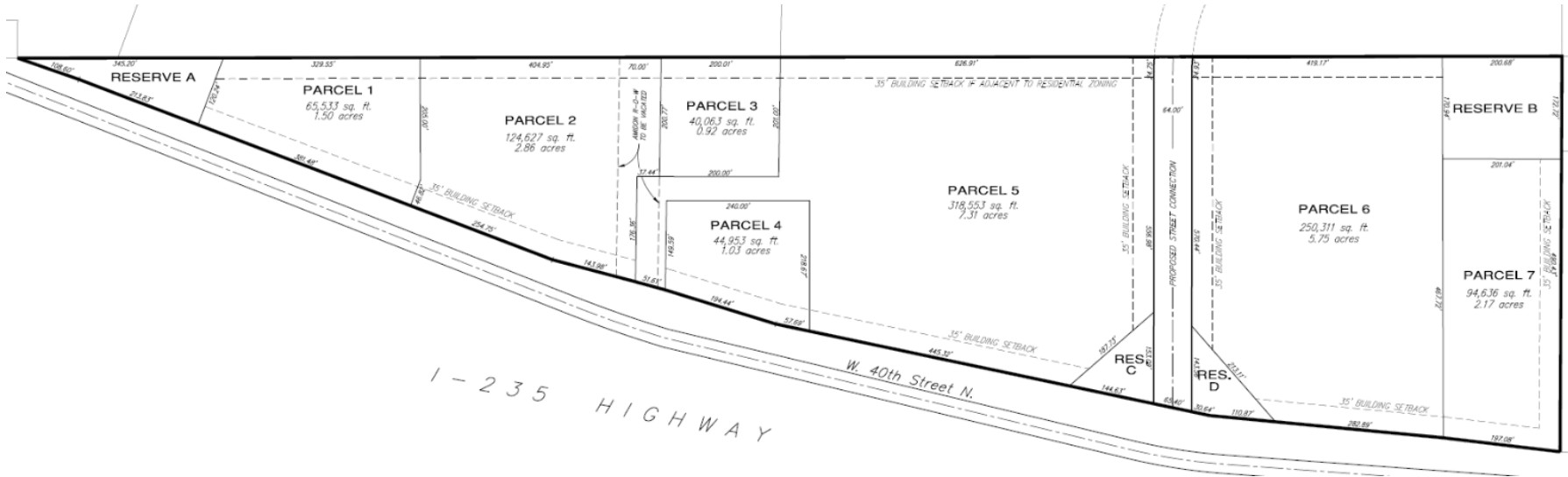
PARCEL 8

- A. Net Area: 106,521 sq.ft.
or 2.45 acres
- B. Maximum Building Coverage: 31,956 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 37,283 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

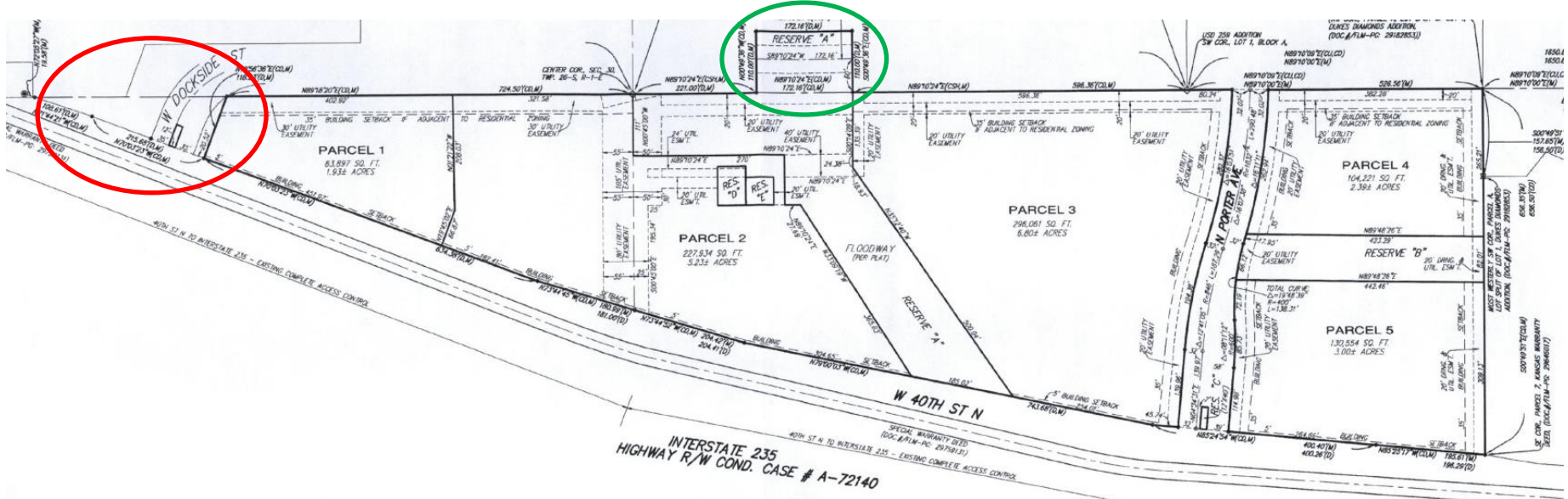
PARCEL 9

- A. Net Area: 247,042 sq.ft.
or 5.67 acres
- B. Maximum Building Coverage: 74,113 sq.ft.
or 30 percent
- C. Maximum Gross Floor Area: 86,465 sq.ft.
- D. Floor Area Ratio: 35 percent
- E. Maximum building height to conform to Chapter 28.08 Code of the City of Wichita, but shall be not greater than 45 feet.
- F. Setbacks: See Drawing
- G. Permitted Uses: All permitted uses in the "GC" General Commercial zoning district of the Wichita-Sedgwick County Unified Zoning Code, except for those listed under G.P. #18.

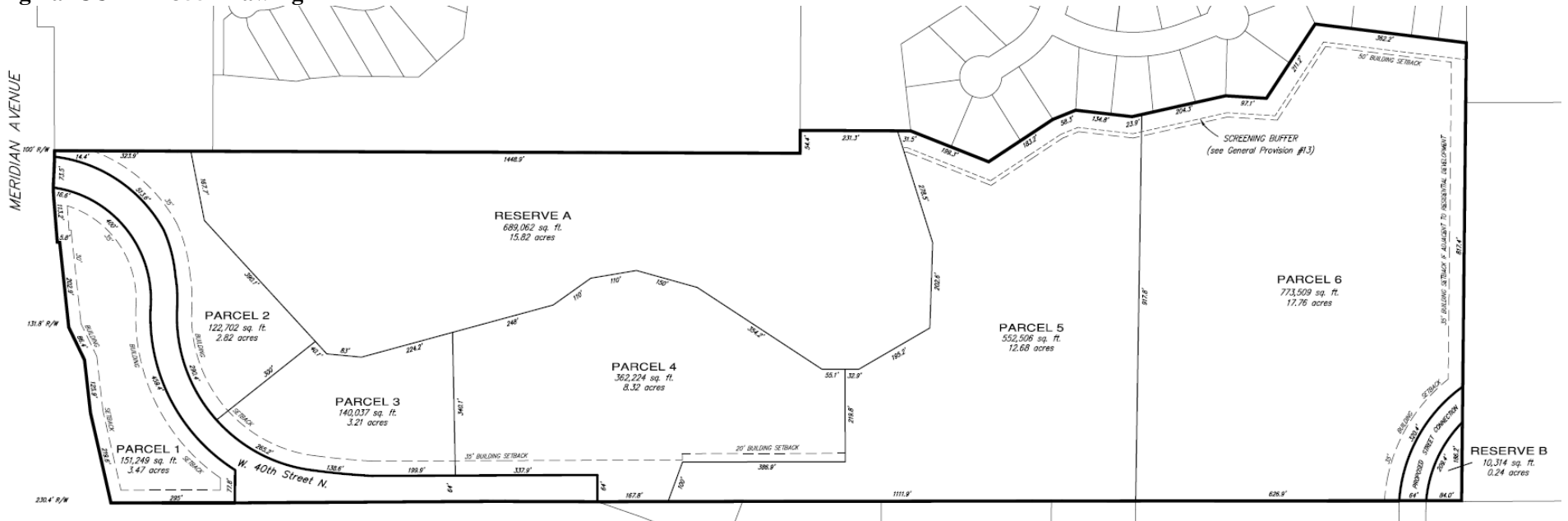
Original CUP DP-353 Drawing



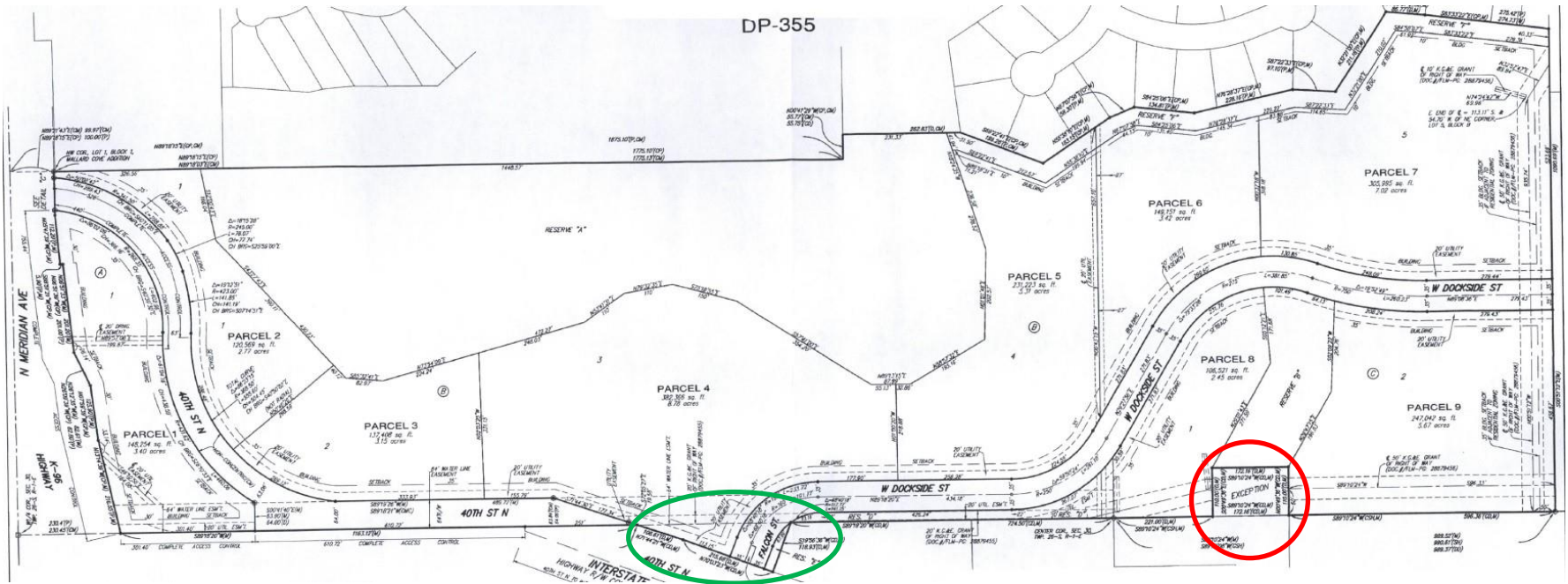
New CUP DP-353 Drawing (Added land circled in green. Removed land circled in red.)

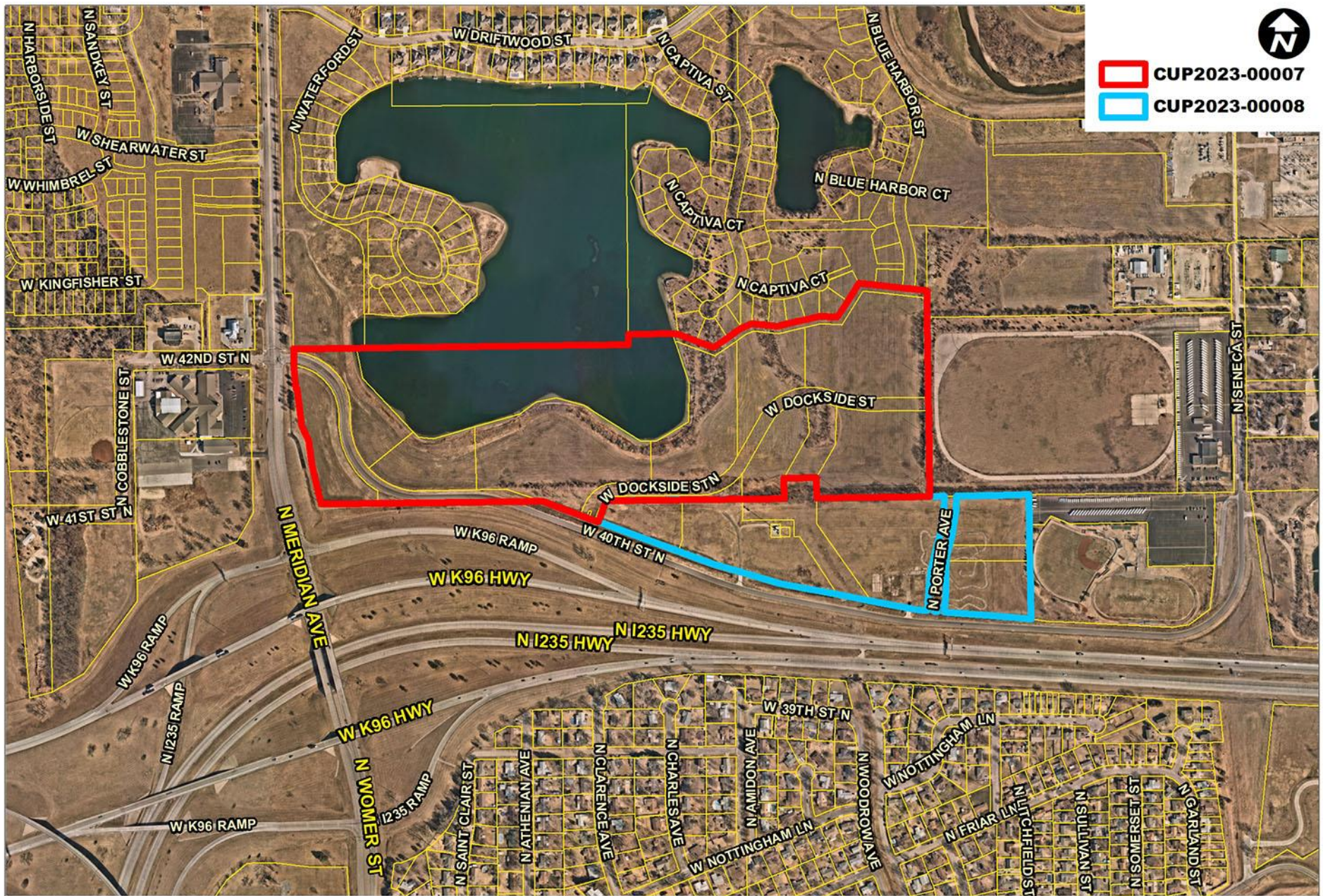


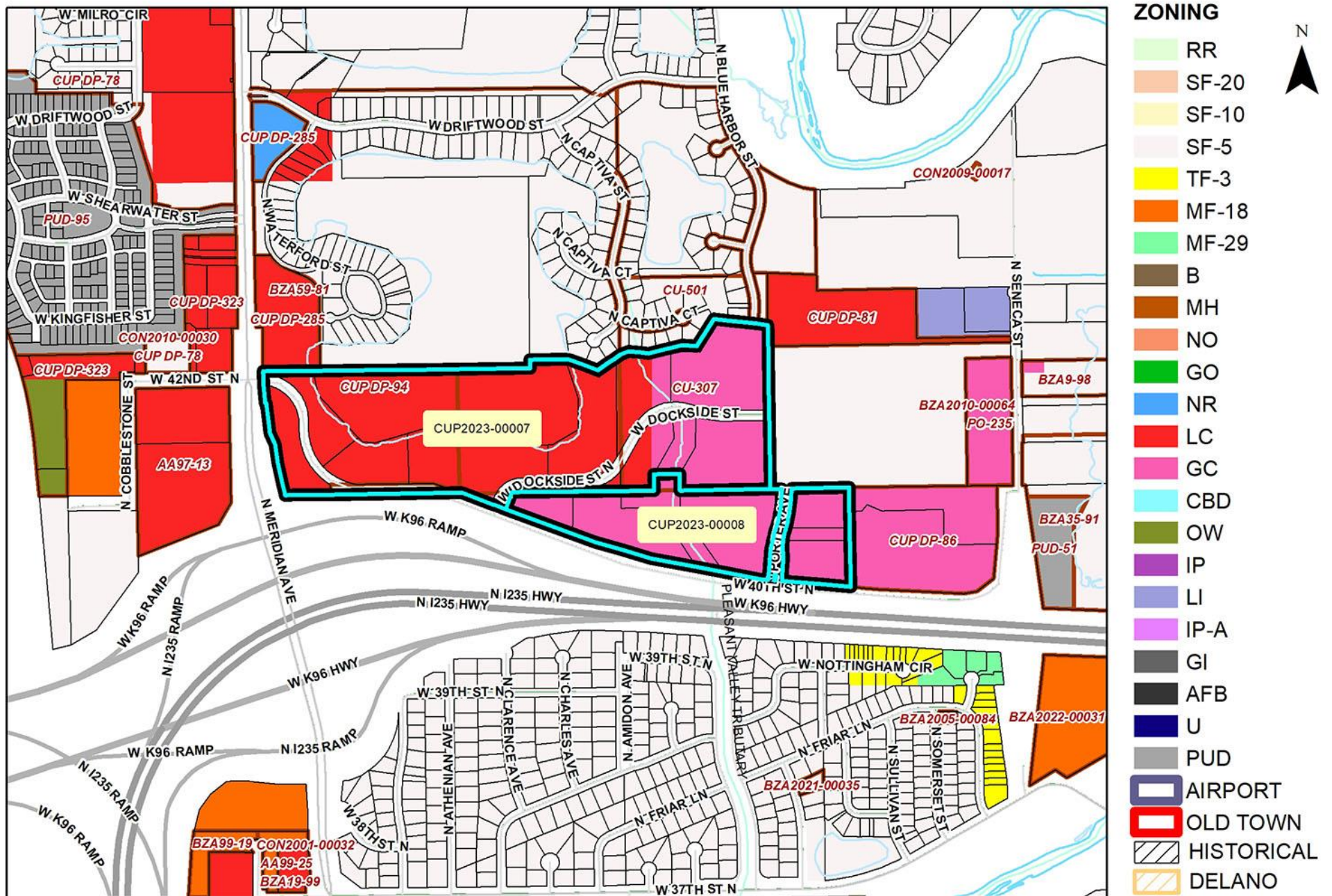
Original CUP DP-355 Drawing



New CUP DP-355 Drawing (Added land circled in green. Removed land circled in red.)








2035 Wichita Future Growth Concept Map

Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

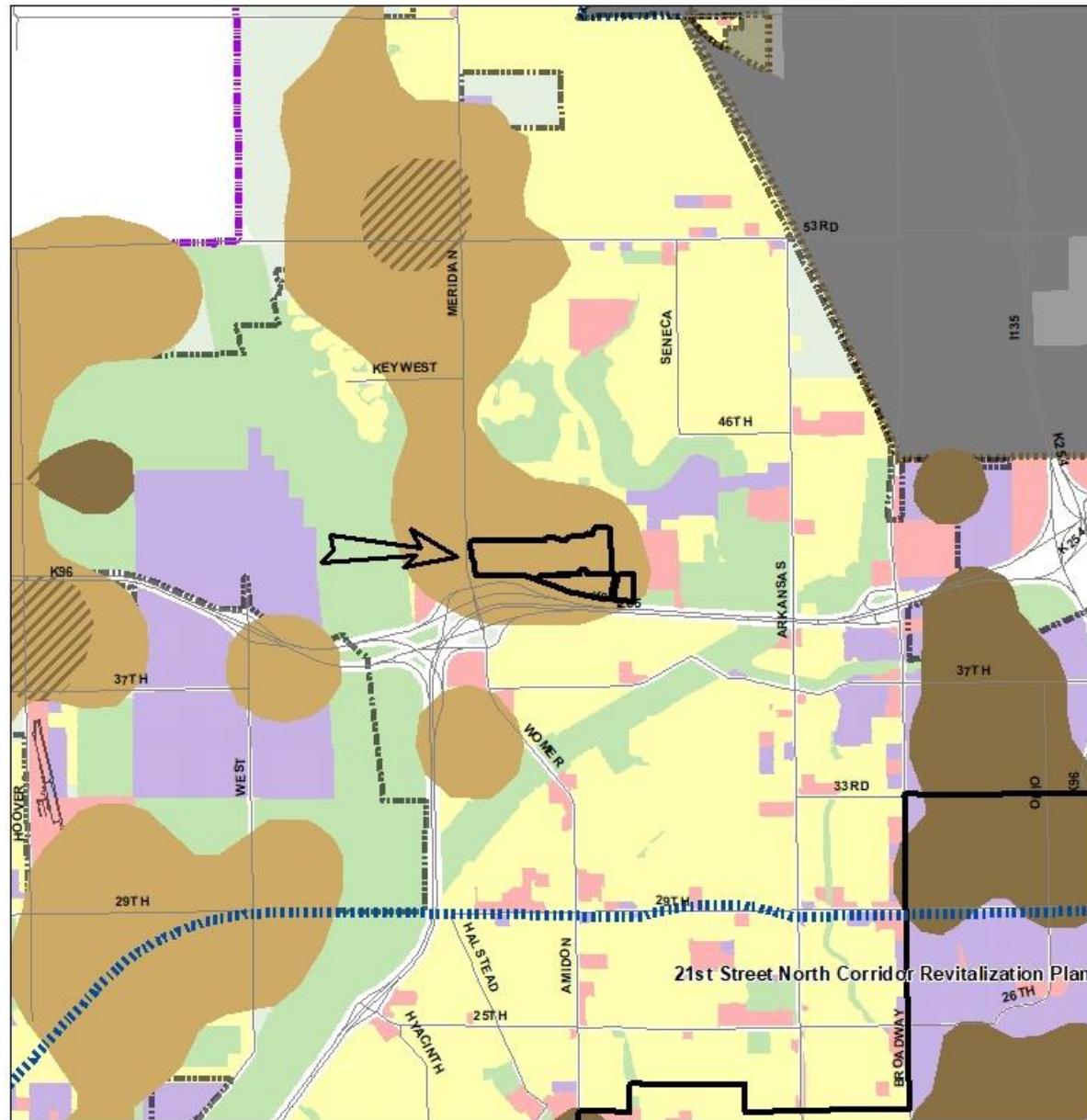
LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd_Plan_Areas

N



Map prepared by the City of Wichita, Kansas, Planning Department, using data provided by the City of Wichita, Kansas, Planning Department, and the City of Wichita, Kansas, Planning Department. The map is for informational purposes only and does not constitute a guarantee, warranty, or endorsement of the accuracy or completeness of the information provided. The map is subject to change without notice.



Looking east at site



Looking northwest at site



Looking north at site



Looking southwest at site

